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EXAMINER	
ALBERTALLI, BRIAN LOUIS	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/783,832	STOOPS ET AL.	
	Examiner	Art Unit	
	BRIAN L. ALBERTALLI	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4 March 2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that a "composite grammar" is "a list of allowable responses or inputs for the respective construct associated with the grammar" and "may include inputs from each application, including a main menu") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that the context table 602 of Busayapongchai fails to disclose a "composite grammar" as claimed. However, by Applicant's own admission, a "grammar" is *a list of allowable responses or inputs for the respective construct associated with the grammar*. Furthermore, contrary to Applicant's arguments that a composite grammar must include "inputs for applications and may include all inputs from all applications" (which is not claimed), the specification recites that that a composite grammar "*may include only the root grammar... i.e. at the Main Menu*" (see page 9 of Applicant's specification).

By allowing a user to navigate between applications using command words, the context table 602 in conjunction with the control manager 604 of Busayapongchai et al.

clearly provides “a list of allowable responses for the respective construct" (i.e. the list of command words that allow a user to move to a different application). Furthermore, even if the commands of Busayapongchai et al. only allow access to launch an application, they provide access to "an entry point" (the top of the application), based on a "composite grammar" (where a "composite grammar” is defined by the specification as only including the root grammar).

Furthermore, Busayapongchai et al. disclose the “context” may be transferred across applications and increase the chances of recognizing a particular word for a particular construct (see column 4, lines 48-58). Thus, in this case, the "context" acts as a grammar, because the context defines words that would be given a higher score, given the current state of the system.

2. Additionally, with respect to the Applicant’s request for evidence to support the use of Official Notice, Dressler et al. is submitted herewith to show the basic engineering design principle that when developing a signal processor, one should acquire the signal processor if there is an existing processor that meets the design parameters, or build the processor if customization is needed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7, 8, 11, 13-22, 24, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Busayapongchai et al. (U.S. Patent 6,944,594).

In regard to claims 1 and 25, Busayapongchai et al. disclose a signal processor and a method for manufacturing a telephony system comprising providing the signal processor, wherein the signal processor is configured to receive a token selected based upon a composite grammar (context table 602 maintains a grammar (context) for each application 620a, 620b, and 620c, column 5, lines 41-65), and wherein the token corresponds to an entry point for one of a plurality of applications (the command word is an indication to switch to an alternate application, column 6, lines 27-31), and configured to access the respective application at the entry point (the recognized alternate application is initiated, column 6, lines 34-57).

In regard to claim 2, Busayapongchai et al. disclose the signal processor is configured to exit a previous application without receiving an exit instruction from a subscriber (the first application is suspended and exited to initiate the second application, column 6, lines 44-47).

In regard to claim 3, Busayapongchai et al. disclose signal processor is configured to receive a responsive data file from a level of the respective application

corresponding to the entry point and configured to transmit the data file to a telephony server (information requested by the user is returned, column 6, lines 60-64).

In regard to claim 4, Busayapongchai et al. disclose a telephony server configured to receive a modulated signal correlative to an audio command (a caller speaks into a telephone handset, column 6, lines 6-10), to analyze the modulated signal to identify a constituent of a root grammar, to select the token corresponding to the constituent, and to transmit the token to the signal processor (identify the user calling the control manager at any time from any application 620a, 620b, or 620c, column 5, lines 45-52).

In regard to claim 5, Busayapongchai et al. disclose a communications system, comprising:

a telephony server (Fig. 5, 506, column 5, lines 5-16) configured to receive a modulated signal correlative to an audio command (speech input 630, column 5, lines 33-38), to analyze the modulated signal to identify a constituent of a composite grammar, and to select a token corresponding to the constituent (context table 602 maintains a grammar (context) for each application 620a, 620b, and 620c and directs the user's input to the appropriate application task agent, column 5, lines 41-65); and

a browser module configured to acquire the token and to access an entry point for one of a plurality of applications based upon the token (the appropriate application is accessed, column 6, line 57 to column 7, line 8).

In regard to claim 7, Busayapongchai et al. disclose browser module is configured to receive a responsive data file from a level of the respective application corresponding to the entry point and configured to transmit the data file to the telephony server (information requested by the user is returned, column 6, lines 60-64).

In regard to claim 8, Busayapongchai et al. disclose the responsive data file comprises at least one of an audio file, a text file, a video file, and a multimedia file (audible information is returned to the user, column 5, lines 6-11).

In regard to claim 11, Busayapongchai et al. disclose public switched telephone network configured to transmit the modulated signal to the telephony server (PSTN, column 5, lines 5-11).

In regard to claim 13, Busayapongchai et al. disclose the root grammar comprises at least two of a voice mail application grammar, a help application grammar, a conference call application grammar, a news application grammar (lottery results, column 6, lines 27-31), a weather application grammar (weather, column 6, lines 2-6), a financial application grammar (stock quotes, column 6, lines 2-6), a scheduling application grammar, a mapping application grammar (location of restaurants, column 4, lines 60-64), and a database application grammar.

In regard to claim 14, Busayapongchai et al. disclose a unified interface server configured to generate at least one root grammar included within the composite grammar (context table 602 to identify the user calling the control manager at any time from any application 620a, 620b, or 620c, column 5, lines 45-52).

In regard to claim 15, Busayapongchai et al. disclose the unified interface server is further configured to generate one or more main menu applications associated with the plurality of applications (application selection after welcome message, column 6, lines 2-6).

In regard to claim 16, Busayapongchai et al. disclose a method for accessing an application, the method comprising the acts of:

processing a signal to identify an audio code as a constituent of a composite grammar (context table 602 maintains a grammar (context) for each application 620a, 620b, and 620c, column 5, lines 41-65); and

accessing an entry point of one of the plurality of applications based upon the constituent of the composite grammar (the appropriate application is accessed, column 6, line 57 to column 7, line 8).

In regard to claim 17, Busayapongchai et al. disclose sending a data file to a user, wherein the data file is generated in response to accessing the entry point (information requested by the user is returned, column 6, lines 60-64).

In regard to claim 18, Busayapongchai et al. disclose accessing the entry point comprises transmitting an indicator to the respective application that the audio code was identified in the processed signal (once a command word is recognized, control manager 604 initiates a task agent for the identified application, thus indicating that the application was identified in the speech signal, column 6, lines 34-47).

In regard to claims 19 and 24, Busayapongchai et al. disclose a tangible computer-readable medium and a method for manufacturing a tangible computer medium, comprising:

programming instructions stored on the computer-readable medium for processing a signal to identify an audio code as a constituent of a composite grammar (context table 602 maintains a grammar (context) for each application 620a, 620b, and 620c, column 5, lines 41-65); and

programming instructions stored on the computer-readable medium for accessing an entry point of one of the plurality of applications based upon the constituent of the composite grammar (the appropriate application is accessed, column 6, line 57 to column 7, line 8).

In regard to claims 20 and 21, Busayapongchai et al. disclose programming instructions stored on the computer-readable medium for receiving a data file from the entry point in response to accessing the entry point and programming instructions

stored on the computer-readable medium for sending the data file to a telephony server (information requested by the user is returned, column 6, lines 60-64).

In regard to claim 22, Busayapongchai et al. disclose the programming instructions for accessing the entry point transmit a token to the respective application that the audio code was identified (once a command word is recognized, control manager 604 initiates a task agent for the identified application, thus indicating that the application was identified in the speech signal, column 6, lines 34-47).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6, 9, 10, 12, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busayapongchai et al., in view of Denenberg et al. (U.S. Patent 7,158,936).

In regard to claim 6, Busayapongchai et al. disclose a plurality of applications, wherein each application comprises at least one entry point which may be accessed by a corresponding token (applications 620a, 620b, and 620c may be accessed at any time, column 5, lines 41-65).

Busayapongchai et al. do not disclose each application is hosted on a separate application server, wherein each server is configured to execute at least one of the plurality of applications.

Denenberg et al. disclose a communications system for accessing voice applications wherein applications are hosted on separate application servers, wherein each server is configured to execute at least one of the plurality of applications (Fig. 1, application servers 14, column 2, line 61 to column 3, line 13).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Busayapongchai et al. to host each application 620a, 620b, and 620c on a separate server, because this would allow each application to be separately updated/maintained without needing to take other applications offline. Additionally, this would allow independent application vendors to provide and maintain their own applications.

In regard to claims 9 and 10, Busayapongchai et al. do not disclose a mobile switching center or cell tower.

Denenberg et al. disclose a communications system for accessing voice applications wherein the user can access the voice pages through a mobile telephone 20 using cell tower 24 configured to generate an initial modulated signal in response to electromagnetic waves received via at least one antenna (column 2, line 61 to column 3, line 13). Furthermore, the mobile telephone system disclosed by Denenberg et al. connects to the PSTN, thus would inherently require the necessary mobile switching

center configured to transmit the modulated signal to the telephony server required to interface with the PSTN.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Busayapongchai et al. to include a mobile switching center and cell tower, because this would allow a user to access the voice applications on a mobile phone from any location.

In regard to claims 12 and 23, Busayapongchai et al. do not disclose the composite grammar used with the applications comprises a VoiceXML grammar.

Denenberg et al. disclose remote applications that are written in VoiceXML code (column 3, lines 10-13).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Busayapongchai et al. to write the voice applications in VoiceXML, and thus use the VoiceXML grammar, because VoiceXML grammars would provide a standardized, off-the-shelf solution for generating the composite grammar.

7. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busayapongchai et al., in view of Official Notice.

Busayapongchai et al. disclose providing a signal processing device, but do not specify how the signal processing device is provided.

Official Notice is taken that it is notoriously well known in the art to obtain a signal processing device if a suitable signal processing device is available on the marketplace,

or to build the signal processing device if a suitable signal processing device is not available.

It would have been obvious to one of ordinary skill in the art at the time of invention to obtain the at least one signal processing device if the signal processing device were available, because this would reduce development costs. It would have been obvious to one of ordinary skill in the art at the time of invention to build the signal processing device, because this would allow the signal processing device to be customized and optimized for the application.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN L. ALBERTALLI whose telephone number is

(571)272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BLA 6/3/08

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626